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09/842,668	04/27/2001	Hisakazu Kobayashi	2001_0512A	7703

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EXAMINER
LEE, RICHARD J

ART UNIT	PAPER NUMBER
2613	5

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/842,668	Applicant(s) Kobayashi et al
	Examiner Richard Lee	Art Unit 2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideratio

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examine

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some* c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because phrase which can be implied, such as "is disclosed" appearing at line 3 of the Abstract should be avoided. Correction is required. See MPEP § 608.01(b).

3. Claims 1-8, 10-12, and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

(1) claim 1, line 3, "the moving image signal" shows no clear antecedent basis;

(2) claim 3, line 5, "compressing" should be changed to "compression" in order to provide proper antecedent basis for the same as specified at claim 1, line 3;

(3) claim 10, lines 3-4, "the output instructing command" shows no clear antecedent basis; and

(4) claim 18, line 3, "the output instructing command" shows no clear antecedent basis.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe (6,392,692) in view of Raskin (3,668,526).

Monroe discloses a network communication techniques for security surveillance and safety system as shown in Figures 1, 2a, 2b, 3a, 3b, 4a, 4b, 6, 12a, 12b, 12c, and 13, 16, and substantially the same moving image and audio transmitter for transmitting at least one of moving image and an audio signal to a communication terminal (see Figures 12a, 12b, 12c, 13, and 16), comprising substantially the same moving image compression coder (i.e., 402 of Figures 12b, 12c) for compression coding the moving image signal output from a moving image input unit (i.e., C1, 400 of Figures 12b, 12c); an audio compression coder (408 of Figures 12b, 12c) for compressing and coding the audio signal; a radio transmitter unit (see column 11, lines 7-20, 80 of Figure 13)

for transmitting the moving image data compressed and coded in the moving image compression coder, and the audio data compression coded in the audio compression coder; an audio output unit (i.e., 240 of Figure 13) for outputting the audio signal; an audio output instructing unit for determining a selection on whether to transmit the audio signal by the radio transmitting unit or to output in the audio output unit (i.e., the operator has the capability to send the audio data to the audio output unit 240 of Figure 13 or to a ground station 18, see column 22, lines 34-60, column 23, lines 15-32); and an audio output instructing command receiver for receiving an audio output instructing command from the communication terminal (i.e., ground control tower 216 of Figure 16), wherein the audio output instructing unit instructs the selection according to the audio output instructing command received in the audio output instructing command receiver (i.e., communication terminal 216 is capable of communicating with personnel within the airplane via transceiver 76, and as such audio output instructions may be provided to the airplane from communication terminal 216 for the specific instructions such as the selection according to the audio output instructing command received).

Monroe does no particularly disclose, though, an audio output instructing unit for determining a selection on whether to transmit the audio signal by the radio transmitting unit or to output in the audio output unit, depending on a distance between the moving image and audio transmitter and the communication terminal as claimed in claim 1. It is however considered obvious that if the moving image and audio transmitter is close enough to the communication terminal, then only the speaker from the moving image and audio transmitter unit is needed for

communication between the two, and thus not requiring any radio communication. In any event, Raskin discloses a communication system as shown in Figure 1, and teaches the conventional use of a speaker 14 within police vehicle for audio communication to nearby people, while using radio communication (13 of Figure 1) for communicating with the dispatch center (see column 1, lines 24-38, column 2, lines 35-43). Therefore, it would have been obvious to one of ordinary skill in the art, having the Monroe and Raskin references in front of him/her and the general knowledge of audio communication techniques, would have had no difficulty in providing the selective audio transmission via radio or to an audio output unit such as a speaker as taught by Raskin for the moving image and audio transmitter system of Monroe for the same well known selective audio communication purposes as claimed.

6. Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Monroe and Raskin as applied to claims 1 and 5 in the above paragraph (5), and further in view of Rostoker et al (5,793,416).

The combination of Monroe and Raskin discloses substantially the same moving image and audio transmitter as above, further including wherein the audio output instructing unit detects contact of the moving image and audio transmitter with the communication unit and instructs a selection of audio (i.e., selective audio transmission as provided by Raskin within the system of Monroe, column 1, lines 24-38, column 2, lines 35-43 of Raskin).

The combination of Monroe and Raskin does not particularly disclose, though, wherein the audio output instructing unit controls a compression rate of the moving image compression

coder depending on the selection as claimed in claims 2-4. However, Rostoker et al discloses a wireless system for communication of audio, video and data signals over a narrow bandwidth as shown in Figures 1 and 4, and teaches the conventional controllings of a compression rate of moving image compression coders depending on audio selections (see column 4, lines 30-43). Therefore, it would have been obvious to one of ordinary skill in the art, having the Monroe, Raskin, and Rostoker et al references in front of him/her and the general knowledge of variable video compression rate selections, would have had no difficulty in providing the compression rate control of moving image compression coders as taught by Rostoker et al for the moving image and audio transmitter system of Monroe and Raskin for the same well known varying compression rate for video quality control purposes as claimed.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Monroe and Raskin as applied to claims 1 and 5 in the above paragraph (5), and further in view of Ichino (5,440,351).

The combination of Monroe and Raskin discloses substantially the same moving image and audio transmitter as above, but does not particularly disclose a field strength detector for measuring a field strength of radio wave transmitted from the communication terminal, wherein the audio output instructing unit instructs the selection according to a measured result of the field strength detector as claimed in claim 7. The particular use of field strength detectors for measuring radio waves and selection of audio based on such detected results is however old and well recognized in the art, as exemplified by Ichino (see column 2, lines 10-37). Therefore, it

would have been obvious to one of ordinary skill in the art, having the Monroe, Raskin, and Ichino references in front of him/her and the general knowledge of radio field strength detectors for audio selections, would have had no difficulty in providing the field strength detector for measuring radio waves and selection of audio based on such detected results as taught by Ichino for the moving image and audio transmitter system of Monroe and Raskin for the same well known audio selection based on radio field strength detection purposes as claimed.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Monroe, Raskin, and Rostoker et al as applied to claims 1-6 in the above paragraphs (5) and (6), and further in view of Ichino (5,440,351).

The combination of Monroe, Raskin, and Rostoker et al discloses substantially the same moving image and audio transmitter as above, but does not particularly disclose a field strength detector for measuring a field strength of radio wave transmitted from the communication terminal, wherein the audio output instructing unit instructs the selection according to a measured result of the field strength detector as claimed in claim 8. The particular use of field strength detectors for measuring radio waves and selection of audio based on such detected results is however old and well recognized in the art, as exemplified by Ichino (see column 2, lines 10-37). Therefore, it would have been obvious to one of ordinary skill in the art, having the Monroe, Raskin, Rostoker et al, and Ichino references in front of him/her and the general knowledge of radio field strength detectors for audio selections, would have had no difficulty in providing the field strength detector for measuring radio waves and selection of audio based on such detected

results as taught by Ichino for the moving image and audio transmitter system of Monroe, Raskin, and Rostoker et al for the same well known audio selection based on radio field strength detection purposes as claimed.

9. Claims 9, 10, 13, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Monroe and Raskin as applied to claims 1 and 5 in the above paragraph (5), and further in view of Strandwitz et al (6,522,352).

The combination of Monroe and Raskin discloses substantially the same moving image and audio transmitter as above, further including a portable display terminal (i.e., 18 of Figure 3a) for communicating with a communication terminal, and receiving at least one of moving image data and audio data; a radio receiving unit (i.e., 14 of Figure 3a and see column 11, lines 7-20, column 12, lines 41-67) for receiving compression coded moving image data and compression coded audio data (i.e., as provided to 212 of Figure 16, see column 22, lines 34-60, column 23, lines 15-32); a display unit (i.e., 18 of Figure 3a and within 216 of Figure 16) for displaying the image according to the moving image data decoded by the moving image decoder; an audio output unit for issuing the audio signal (see column 23, lines 15-32); an audio output determining unit for determining whether or not to output the audio signal from the audio output unit, depending on a distance between the moving image and audio transmitter and communication terminal (i.e., Raskin teaches the particular use of speakers for broadcasting audio data in the event the police vehicle is near people in the vicinity over radio broadcasting, see column 2, lines 35-43 of Raskin), wherein the audio output determining unit includes an audio output instructing

command transmitter for transmitting the output instructing command to designate an output destination of the audio signal at the communication terminal, to the communication terminal and to the moving image and audio transmitter (i.e., the operator has the capability to send the audio data to the audio output unit 240 of Figure 13 or to a ground station 18, see column 22, lines 34-60, column 23, lines 15-32); a wireless moving image and audio transmitting system for communicating information including at least one of moving image data and audio data (see Figure 13); a moving image and audio transmitter (see columns 21-23); an audio output instructing command receiver for receiving an audio output instructing command from the portable display terminal (i.e., within ground control tower 216 of Figure 16), wherein the audio output instructing unit instructs the selection according to the audio output instructing command received in the audio output instructing command receiver (i.e., communication terminal 216 is capable of communicating with personnel within the airplane via transceiver 76, and as such audio output instructions may be provided to the airplane from communication terminal 216 for the specific instructions such as the selection according to the audio output instructing command received).

The combination of Monroe and Raskin but does not particularly disclose, though, an audio decoder for decoding the audio data received in the radio receiving unit and an audio output unit for issuing the audio signal decoded by the audio decoder as claimed in claims 9 and 13. Even without specific disclosure, it is considered obvious that the complementary audio decoder to the audio compressor 408 of Figure 12c of Monroe must be provided in the receiver side as

shown in Figure 16 in order to properly decode the audio signal for hearing. In any event, Strandwitz et al teaches the conventional audio decoders (i.e., 220 of Figure 2) for decoding audio signals. Therefore, it would have been obvious to one of ordinary skill in the art, having the Monroe, Raskin, and Strandwitz et al references in front of him/her and the general knowledge of audio encoder/decoders, would have had no difficulty in providing the audio decoder for the ground station system as shown in Figure 16 of Monroe for the same well known decoding of received audio data and issuing of the audio signal decoded by the audio decoder to the audio output unit purposes as claimed.

10. Claims 11, 12, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Monroe, Raskin, and Strandwitz et al as applied to claims 1, 5, 9, 10, 13, 16, and 18 in the above paragraphs (5) and (9), and further in view of Ichino (5,440,351).

The combination of Monroe, Raskin, and Strandwitz et al discloses substantially the same moving image and audio transmitter as above, but does not particularly disclose a field strength detector for measuring a field strength of radio wave transmitted from the communication terminal/portable display terminal/the moving image and audio transmitter, wherein the audio output determining unit determines the output destination of the audio signal at the communication terminal according to the measured field strength, wherein the audio output determining unit is a changeover switch as claimed in claims 11, 12, 17, 19, . The particular use of field strength detectors for measuring radio waves and selection of audio based on such detected results and changeover swichings of audio data are however old and well recognized in

the art, as exemplified by Ichino (see column 2, lines 10-37). Therefore, it would have been obvious to one of ordinary skill in the art, having the Monroe, Raskin, Strandwitz et al, and Ichino references in front of him/her and the general knowledge of radio field strength detectors for audio selections, would have had no difficulty in providing the audio changeover switches and the field strength detector for measuring radio waves and selection of audio based on such detected results as taught by Ichino for the moving image and audio transmitter system of Monroe, Raskin, and Strandwitz et al for the same well known audio selection based on radio field strength detection purposes as claimed.

11. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Monroe, Raskin, and Strandwitz et al as applied to claims 1, 5, 9, 10, 13, 16, and 18 in the above paragraphs (5) and (9), and further in view of Rostoker et al (5,793,416).

The combination of Monroe, Raskin, and Strandwitz et al discloses substantially the same moving image and audio transmitter as above, further including wherein the audio output instructing unit detects contact of the moving image and audio transmitter with the portable display terminal and instructs a selection of audio (i.e., selective audio transmission as provided by Raskin within the system of Monroe, see column 1, lines 24-38, column 2, lines 35-43 of Raskin).

The combination of Monroe, Raskin, and Strandwitz et al does not particularly disclose, though, wherein the audio output instructing unit controls a compression rate of the moving image compression coder depending on the selection as claimed in claims 14 and 15. However, Rostoker et al discloses a wireless system for communication of audio, video and data signals

over a narrow bandwidth as shown in Figures 1 and 4, and teaches the conventional controllings of a compression rate of moving image compression coders depending on audio selections (see column 4, lines 30-43). Therefore, it would have been obvious to one of ordinary skill in the art, having the Monroe, Raskin, Strandwitz et al, and Rostoker et al references in front of him/her and the general knowledge of variable video compression rate selections, would have had no difficulty in providing the compression rate control of moving image compression coders as taught by Rostoker et al for the moving image and audio transmitter system of Monroe, Raskin, and Strandwitz et al for the same well known varying compression rate for video quality control purposes as claimed.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Juntunen et al discloses a wireless terminal communication system.

Lubbe et al discloses a device for varying the cutoff frequency of a low pass filter.

Noble discloses a mobile radio audio system.

Roscoe discloses an audio and visual intercommunication and surveillance system.

13. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

6/12/03